



INTERIOR BOARD OF INDIAN APPEALS

Estate of Linus Dean Thompson

38 IBIA 234 (12/02/2002)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

ESTATE OF LINUS DEAN THOMPSON : Order Docketing and Dismissing
: Appeal
:
: Docket No. IBIA 02-163
:
: December 2, 2002

Appellant Yvonne Thompson sought review of a July 24, 2002, Order Determining Heirs After Rehearing issued in the estate of Decedent Linus Dean Thompson by Indian Probate Judge George T. Tah-bone. IP TC 409 R 95. For the reason discussed below, the Board of Indian Appeals (Board) docketed this appeal, but dismisses it for lack of prosecution.

Appellant's notice of appeal stated in its entirety: "I am requesting rehearing on the Estate of Linus D. Thompson. I have new evidence that Daniel Machipiness is not the father of Linus D. Thompson." Appellant failed to state what her new evidence was. She also failed to state why she could not have found and presented that evidence earlier. Furthermore, she failed to show that she had sent copies of her notice of appeal to the interested parties.

On September 27, 2002, the Board ordered Appellant to file a statement describing her new evidence and explaining why she could not have found and presented that evidence earlier. It also ordered her to send copies of her notice of appeal and her response to the September 27, 2002, order to the interested parties shown on the Board's distribution list, and to notify the Board that she had sent out these copies of her notice of appeal. The Board stated: "Failure to comply with this order by November 8, 2002, will result in dismissal of this appeal for failure to prosecute."

Appellant has not responded.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from Judge Tah-bone's July 24, 2002, order is docketed but dismissed for failure to prosecute.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge